

Section 54

PLANNED UNIT DEVELOPMENT

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54.020 Intent of planned unit development.

It is the intent through the use of the planned unit development (PUD) concept, to promote maximum flexibility and innovation in the development of land and the design of development projects within the zoning jurisdiction. Specifically, with regard to the improvement and protection of the public health, safety and welfare, it shall be the intent of this title to promote the pursuit of the following community objectives:

- A.** To ensure that future growth and development occurring within the zoning jurisdiction is in accord with the *Gallatin County Plan*, its specific elements and its goals, objectives and policies;
- B.** To encourage innovations in land development and redevelopment so that greater opportunities for better housing, recreation, shopping and employment may extend to all citizens of the Gallatin County area;
- C.** To foster the safe, efficient and economic use of land and transportation and other public facilities;
- D.** To ensure adequate provision of public services such as water, sewer, electricity, open space and public parks;
- E.** To avoid inappropriate development of lands and to provide adequate drainage and reduction of flood damage;
- F.** To encourage patterns of development which decrease automobile travel and encourage trip consolidation, thereby reducing traffic congestion and degradation of the existing air quality;
- G.** To promote the use of bicycles and walking as effective modes of transportation;
- H.** To reduce energy consumption and demand;
- I.** To minimize adverse environmental impacts of development and to protect special features of the geography;
- J.** To improve the design, quality and character of new development;
- K.** To encourage development of vacant properties within developed areas;
- L.** To protect existing neighborhoods from the harmful encroachment of newer, incompatible developments; and

M. To promote logical development patterns of residential, commercial, office and industrial uses that will mutually benefit the developer, the neighborhood, and the community as a whole.

54.030 Application and uses of a planned unit development.

A. A planned unit development may be applied to any development having one or more principal uses or structures on a single parcel of real property or contiguous parcels of real property. Any use or combination of uses may be allowed in a planned unit development provided such uses are consistent with the *Gallatin County Plan* and subsection E. of section 54.100.

B. All planned unit developments shall consist of a harmonious arrangement of uses, buildings, parking areas, circulation and open spaces. All planned unit developments shall be designed as an integrated unit, in such a manner as to constitute a safe, efficient and convenient development.

C. Any planned unit development shall be considered as a conditional use within the zoning district in which it is to be located.

D. The commission retains final approval authority for planned unit developments.

54.040 Special conditions of a planned unit development.

The following special conditions shall apply to any planned unit development.

A. Single Ownership. The tract or parcel of land involved shall be either in one ownership or the subject of an application filed jointly by the owners of all the property to be included.

B. Title Holdings. The approved final plan shall specify the manner of holding title to areas and facilities of joint use. Normally such areas and facilities shall be retained in title by the developers of the development or deeded to an organization composed of all owners in the development.

C. Residential Planned Unit Developments. The permitted number of residential dwelling units shall be determined by the provision of and proximity to public services and subject to the limitations in section 54.100.E.

D. Use of General Building and Development Standards. All planned unit developments shall be reviewed against the general building and development standards established in Sections 46, 47 and 50. However, the general building and development standards will be used only as a guide. Approval of a planned unit development shall rest upon a finding by the commission, as proved by the proposal for a planned unit development, that the intent of the general building and development standards is achieved.

E. Establishing Additional Standards. In addition to, or in lieu of, the general building and development standards, the county shall have the right to establish general design standards, guidelines and policies, for the purpose of implementing and interpreting the provisions of this section.

F. Conformance to Sign Code. All signs proposed in conjunction with a planned unit development shall be reviewed against the provisions of the sign code, Section 65. All signage must be approved as part of the PUD and shall be designed as an integral element of the overall planned unit development. Approval of signs within a planned unit development shall rest upon a finding by the commission, as proved by the specific proposal, that the intent of the sign code is achieved.

54.050 Planned unit development review procedures and criteria.

- A.** Approval of a planned unit development shall consist of three procedural steps:
1. **Concept Plan Review.** Discussion with the planning staff of the applicant's proposal and any requirements, standards or policies that may apply; this step represents an opportunity to identify any major problems that may exist and solutions to those problems before formal application.
 2. **Preliminary Plan Approval.** Submittal of sufficient information to permit review of the land use relationships, densities, and the type, size and location of the principal design elements of the planned unit development by the planning board and commission. A planned unit development that will be developed in phases must submit either a preliminary plan for all phases or else submit a preliminary plan for the initial phase or phases and submit development guidelines for all subsequent phases.
 3. **Final Plan Approval.** The final plan must be in compliance with the approved preliminary plan and/or development guidelines except as provided for in subsection D.2 of this section, and shall be reviewed and approved by staff.

Amended Resolution 2001-09

B. Concept Plan Review.

1. A concept plan review is mandatory for all planned unit development proposals.
2. **Review Procedures.** This is an opportunity for applicants to discuss requirements, standards and policies that apply to development proposals and to identify major problems, so that they can be solved before a formal application is made. Concept plan review meetings will be held by the staff and will provide guidance for planned unit development applications. The general outline of the planned unit development proposal, presented as graphic sketch plans, shall be submitted by the applicant and reviewed by the staff. Thereafter, the planning director shall furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the planned unit development application. If any subdivision of the tract(s) in question is proposed, a subdivision Pre-application plat application shall be submitted for review concurrently with the PUD concept plan

application, subject to the requirements and limitations of Gallatin County Subdivision Regulations.

C. Preliminary Plan Review and Approval.

1. Application Process. Upon completion of concept plan review and receipt of the planning director's comments on the concept plan, an application for preliminary plan approval may be filed with the planning director. If the development project is to be developed in phases and all phases are not fully detailed in the preliminary plan, development guidelines shall be required for all phases not fully detailed. If any subdivision of the tract(s) in question is proposed, a subdivision preliminary plat application shall be submitted for review concurrently with the PUD preliminary plan application, subject to the requirements and limitations of Gallatin County Subdivision Regulations.
2. Public Hearings and Meetings. Public hearings and/or public meetings before the planning board and commission for any preliminary plan application, and public notice of such hearings and meetings, shall be provided in accordance with section 53.020 of this title.
3. Review Criteria. In order to approve an application for a planned unit development the commission shall find that the application is in conformance with all applicable objectives and criteria of section 54.100 and the criteria in section 53.030.
4. Planning Board Recommendations. After conducting a public hearing and considering recommendations from the staff, the planning board shall recommend the approval, conditional approval or denial of the preliminary plan to the commission and shall include in such recommendation the findings of the board upon which such recommendation was determined. If no recommendation is made by the planning board, a record of the planning board hearing shall be forwarded to the commission.
5. Preliminary Plan Approval. The commission, after review by the planning board, and after conducting a public meeting, may approve, disapprove or approve with conditions the proposed planned unit development. Approval of a preliminary plan shall not guarantee approval of the final plan; rather it shall be deemed an expression of approval of the layout, densities and proposed impact mitigation measures submitted on the preliminary plan as a guide to the preparation of the final plan.

D. Final Plan Review and Approval.

1. Application Process. Upon approval or conditional approval of a preliminary plan by the commission, an application for a final plan approval may be submitted.
2. Review Criteria. Compliance with Preliminary Plan. For approval to be granted the final plan shall be in compliance with the approved preliminary plan. This shall mean that all conditions imposed by the commission as part of its approval of the preliminary plan have been met and:
 - a. The final plan does not change the general use or character of the development.

- b. The final plan does not increase the number of residential dwelling units by more than two percent and does not exceed the amount of any density bonus approved with the preliminary plan.
 - c. The final plan does not decrease the open space provided on the preliminary plan by more than five percent.
 - d. The final plan does not contain changes that do not conform to the objectives and criteria of section 54.100.
- 3. Final Plan Approval. The staff may approve, disapprove or approve with additional conditions, the proposed planned unit development if it conforms with the approved preliminary plan in the manner described above. Prior to final plan approval, the staff or planning director may request a recommendation from the planning board or commission regarding any part of a proposed final plan that does not specifically conform to the approved preliminary plan.
- 4. Amendments to Final Plan. Building permits and other development approvals shall be issued on the basis of the approved final plan and any conditions of approval. No administrative personnel are permitted to issue permits for improvements which are not indicated on the approved final plan with the exception of the following:
 - a. Minor Changes.
 - i. Minor changes to a planned unit development may be approved administratively and in writing, if at all, by the planning director, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the planning director. This provision shall not prohibit the planning director from requesting a recommendation from the planning board or commission.
 - ii. Minor changes shall not affect the location and placement of buildings, a change of uses, the shape and arrangement of lots and blocks, the allocation of reserved open space, increases in density and/or intensity of the project or, in general, the overall design or intent of the project;
 - b. Major Changes.
 - i. Major changes to a planned unit development shall be approved, if at all, only by the commission, and must follow the same planned unit development review and public hearing process required for approval of preliminary plans.
 - ii. For planned unit developments, major changes shall be defined as follows:
 - (A) A change in the character of the development,
 - (B) An increase of greater than one percent (1%) in the approved number of residential dwelling units,
 - (C) An increase of greater than two percent (2%) in the improved gross leasable floor areas of retail, service, office and/or industrial buildings,
 - (D) A reduction by greater than two percent (2%) in the approved open space,
 - (E) A change in the location and placement of buildings,
 - (F) An increase in the problems of traffic circulation and public utilities,

- (G) Any change in the development that would normally cause the project to be disqualified under the applicable criteria of section 54.100.

54.060 Plan submittal requirements.

For each stage of the review process, the information and data described below shall be submitted unless the planning director determines that the information is unnecessary for the proper evaluation of the development based on the findings of the concept plan review. Only after the planning director or his designee has determined that all required information has been submitted will the application be processed.

A. Submittal Requirements for Concept Plans. The following information and data shall be submitted for concept plan review:

1. Data regarding- site conditions, land characteristics, available community facilities and utilities and other related general information about adjacent land uses and the uses of land within one-half mile of the subject parcel of land;

2. Conceptual (sketch) drawing showing the proposed location of the uses of land, major streets and other significant features on the site and within one-half mile of the site;
3. A computation table showing the site's proposed land use allocations by location and as a percent of total site area.

B. Submittal Requirements for Preliminary Plans. The following information and data shall be submitted for preliminary plan review:

1. Document Requirements. The following information shall be presented in an eight and one-half inch by eleven inch (8-½"x11") vertically bound document. The document shall be bound so that it will open and lie flat for reviewing and organized in the following order:
 - a. Application forms,
 - b. A list of names of all general and limited partners and/or officers and directors of the corporation involved as either applicants or owners of the planned unit development,
 - c. Legal description of the site,
 - d. A copy of the list of the names and addresses of all owners of record of real property within two hundred feet (200') of the property lines of the parcel of land for which the planned unit development is proposed, exclusive of public rights-of-way. The original list shall be included in the document. A listing of the names and addresses typed on stamped, plain white envelopes shall be submitted separately,
 - e. A statement of planning objectives, including:
 - i. Statement of applicable land use policies and objectives achieved by the proposed plan and how it furthers the implementation of the *Gallatin County Plan*,
 - ii. Statement of:
 - (A) Proposed ownership of public and private open space areas; and
 - (B) Applicant's intentions with regard to future ownership of all or portions of the planned unit development,
 - iii. Estimate of number of employees for business, commercial and industrial uses,
 - iv. Description of rationale behind the assumptions and choices made by the applicant,
 - v. The applicant shall submit as evidence of successful completion of the applicable community design objectives and criteria of section 54.100, documentation pursuant to these regulations for each proposed use. The applicant shall submit written explanation for each of the applicable objectives or criteria as to how the plan does or does not address the objective or criterion. The planning director may require, or the applicant may choose to submit, evidence that is beyond what is required in that section. Any element of the proposal that varies from the criterion shall be described,

- vi. Detailed description of how conflicts between land uses are being avoided or mitigated,
- vii. Statement of design methods to reduce energy consumption, (e.g., home/business utilities, transportation fuel, waste recycling),

- f. A development schedule indicating the approximate date when construction of the planned unit development, or stages of the same, can be expected to begin and be completed, including the proposed phasing of construction of public improvements and recreational and common space areas,
 - g. Reduced versions of all preliminary plan and supplemental plan maps and graphic illustrations at eight and one-half by eleven inches (8-½"x11") or eleven by seventeen inches (11"x17") size;
2. Site Plan Requirements. A site plan of the proposed development drawn at a scale of one inch equals one hundred feet, sixty feet, fifty feet or forty feet and composed of one or more sheets with an outer dimension of twenty-four by thirty-six inches (24"x36"), showing the information required for site plans in subsection 52.030.D plus the following additional information:
- a. Percentage and square footage of public street right-of-way,
 - b. Percentage and square footage of active recreational use area,
 - c. Boundary and square footage of each area designated as active recreational use,
 - d. Location and acreage of common open areas and all public and semipublic land uses, including public parks, recreation areas, school sites, and similar uses,
 - e. Location of existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating the proposed treatment of points of conflict. Provision for handicapped accessibility, including but not limited to wheelchair ramps, parking spaces, handrails, and curb cuts, including construction details and the applicant's certification of ADA compliance,
 - f. The existing and proposed circulation system of arterial, collector and local streets, including: (i) off-street parking areas; (ii) service areas; (iii) loading zones; and iv) major points of access to public rights-of-way, including major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate,
 - g. The proposed treatment of the perimeter of the planned unit development, including materials and techniques used, such as screening, fences, walls and other landscaping,
 - h. Adjacent Site Information. Area shown on the site plan shall extend beyond the property lines of the proposal to include a survey of the area and uses within two hundred feet of the proposal, exclusive of public right-of-way at the same scale as the proposal and including the following:
 - i. Land uses and location of principal structures,
 - ii. Densities of residential uses,
 - iii. Existing trees and major features of landscape,
 - iv. Topographic contours at two-foot intervals, unless otherwise permitted by the planning director,
 - v. Traffic circulation system,
 - i. Supplemental Vicinity Map. Vicinity map of the area surrounding the site within a distance of at least one mile showing:

- i. Zoning districts,
 - ii. Location of existing municipal boundary lines,
 - iii. Traffic circulation system,
 - iv. Major public facilities including schools, parks, trails, etc.,
 - j. Certificates for the following information:
 - i. Attorney's or owner's certification of ownership,
 - ii. Planning director certification of approval of the site plan, including a statement regarding any element of the project that varies from the community design objectives and criteria of section 54.100,
 - iii. Owner certification of acceptance of conditions and restrictions as set forth on the site plan;
3. Supplemental Plan Requirements.
- a. Viewsheds.
 - i. Looking onto and across the site from areas around the site, describe and map the views and vistas from adjacent properties that may be blocked or impaired by development of the site,
 - ii. Describe and map areas of high visibility on the site as seen from adjacent off-site locations,
 - b. Recreation and Trails. Describe and map all existing and proposed trails, parks and recreation areas within one mile of the site. State the size (in acres) and functions of the parks and recreation areas identified,
 - c. Historic Resource. Describe and map any historic structures or historic districts on the site or within four hundred feet (400'),
 - d. Street Cross Sections if Different From County Standards. Street cross-section schematics shall be submitted for each general category of street, including:
 - i. The proposed width,
 - ii. Treatment of curbs and gutters,
 - iii. Sidewalk systems, and
 - iv. Bikeway systems, where alternatives to the design criteria and standards are proposed,
 - e. Physiographic data, including the following:
 - i. A description of soils existing on the site, accompanied by analysis as to the suitability of such soils for the intended construction and proposed landscaping,
 - ii. A description of the hydrologic conditions of the site with analysis of water table fluctuation and a statement of site suitability for intended construction and proposed landscaping,
 - iii. Locate and identify the ownership of existing wells or well sites within four hundred feet (400') of the site,
 - f. Drainage Plan. In addition to all drainage and hydrologic information required in section 52.030.D, a detailed preliminary drainage report, calculations and/or plan shall be submitted, including:
 - i. All drainageways, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc., which may be incorporated into the storm drainage system for the property shall be designated,

- ii. All plans shall indicate the proposed outlet for the storm drainage from the property, including:
 - (A) The name of the drainageway (where appropriate),
 - (B) The downstream conditions (developed, available drainageways, etc.), and
 - (C) Any downstream restrictions,
- g. Temporary Facilities Plan. A plan of the site showing the location of all temporary model homes, sales offices and/or construction facilities, including temporary signs and parking facilities,
- h. Preliminary Subdivision Plat. If the project involves or requires platting, a preliminary subdivision plat, subject to the requirements of the county's subdivision regulation, shall be submitted,
- i. Traffic Impact Analysis. At the discretion of the planning director a traffic impact analysis shall be prepared based upon the proposed development. The analysis shall include provisions of the approved development guidelines, and shall address impacts upon surrounding land uses. The planning director may require the traffic impact analysis to include the following:
 - i. Land Use and Trip Generation. A table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak hour) and resulting trip generation,
 - ii. Traffic graphics showing:
 - (A) AM peak hour site traffic,
 - (B) PM peak hour site traffic,
 - (C) AM peak hour total traffic,
 - (D) PM peak hour total traffic,
 - (E) Total daily traffic (with site generated traffic shown separately),
 - iii. AM and PM Capacity Analysis. An AM and PM peak hour capacity analysis shall be provided for:
 - (A) All major drive accesses that intersect collector or arterial streets; and (B) all arterial-arterial, collector-collector, and arterial-collector intersections within one mile of the site, or as directed by the planning director,
 - iv. Report format shall be as follows:
 - (A) Trip generation, using *Institute of Transportation Engineers Trip Generation Manual*,
 - (B) Trip distribution,
 - (C) Traffic assignment,
 - (D) Capacity analysis,
 - (E) Evaluation,
 - (F) Recommended access plan, including access points, modifications and any mitigation techniques,
 - v. Additional Analysis Criteria.
 - (A) Appropriate clearance intervals shall be provided for each exclusive movement. Pedestrian movements must be provided for each cycle and pedestrian overpasses shall not be at intersections. Maximum pedestrian walking speeds shall be four feet per second with a

minimum "WALK" time of seven seconds. Intersection pavement widths shall not exceed that required to provide three through lanes in each direction, dual left-turn lanes and right-turn lanes,

- (B) Traffic progression will be of paramount importance. Consequently, all potential intersections with signals will be placed on quarter-mile points unless otherwise approved by the planning director,
- (C) Intersection level of service "C" shall be the design objective and under no conditions will less than level of service "D" be accepted for site operations. Arterial intersections and turning operations shall operate at level of service "C." If level of service "E" is the result of the study, then alternatives of providing level of service "D" shall be analyzed and included as part of the study. Generally, the design year will be approximately fifteen years following construction,

vi. Summary analysis explaining:

- (A) The proposed access points for the project, their location, and the rationale for their placement in terms of circulation,
- (B) Future off-site road improvements for access, which roads they will be, the projected time frame for their completion and who is responsible for their completion,
- (C) ADT and level of service changes to all streets,
- (D) How traffic impacts to existing streets will be minimized by the planned unit development,
- (E) Describe bicycle and pedestrian pathways within the development, if used,

- j. Additional Studies and Plans. The planning board or commission may require additional impact studies or other plans as deemed necessary for providing thorough consideration of the proposed planned unit development; particularly if the development's compliance with the community design objectives and criteria is under question;

4. Reproducible Copy Requirements. In addition to the above document, the applicant shall submit the following for review purposes:

- a. One full-size rolled (not folded) mylar of all plans and renderings,
- b. One eight and one-half by eleven inch (8-½"x11") clear film reduction of all plans and renderings for reproduction and overhead projector use.

C. Submittal Requirements for Final Plans.

- 1. Application form.
- 2. A list of names of all general and limited partners and/or officers and directors of the corporation involved as either applicants or owners of the planned unit development.
- 3. Site Plan Submittal Requirements.
 - a. A final plan site plan shall be submitted on a twenty-four by thirty-six inch sheet(s) (24"x36") at the same scale as the approved preliminary plan. If a different scale is requested or required, a copy of the approved preliminary plan shall be submitted that has been enlarged or reduced to equal the scale of

the final plan. However, only the scales permitted for the preliminary plans shall be permitted for final plans.

- b. The final plan site plan shall show the following information:
 - i. Land use data (same Information as required on the preliminary site plan);
 - ii. Lot lines, easements, public rights-of-way as per subdivision plat;
 - iii. Attorney's or owner's certification of ownership;
 - iv. Planning director certification of approval of the site plan and its conformance with the preliminary plan;
 - v. Owner's certification of acceptance of conditions and restrictions as set forth on the site plan.
- 4. Supplemental Plans.
 - a. Final Landscape Plan. A final landscape plan consistent with the conditions and restrictions of the approved preliminary plan shall be submitted. It shall also be consistent with the Landscape Regulation, Section 46, except that any stated conditions and restrictions of the preliminary plan approval shall supersede the Landscape Regulation.
 - b. Final Subdivision Plat. An official final subdivision plat of the site must accompany the final planned unit development plan. This plat must conform to the subdivision requirements of the county, except as waived by the approved preliminary plan for the planned unit development. The subdivision shall contain proper dedications for public streets, utility easements, and all other public rights required by the preliminary plan. Approval of the final subdivision plat shall be required before filing of the subdivision plat or issuance of building permits.
 - c. Final Utility Plans. Prior to submission of the final plan to the staff, final detailed engineering plans for sewer, water, electrical, street improvements and other public improvements, and an executed agreement in proper form providing for the installation of such improvements, must be submitted to and approved by the county.
 - d. Open Space Maintenance Plan.
 - i. Maintenance of Community Open Spaces. The developer shall submit a legal instrument setting forth a plan providing for the permanent care and maintenance of open spaces, recreational areas, communally owned facilities, and parking lots. The same shall be submitted to the county attorney and shall not be accepted by the county until approved as to legal form and effect. If the common open space is deeded to a homeowner's association, the applicant shall file the proposed documents governing the association. Such documents shall meet the following requirements:
 - (A) The homeowners' association must be established before any residences are sold;
 - (B) Membership in the association must be mandatory for each residence owner;
 - (C) Open space restrictions must be permanent and not for a period of years;
 - (D) The homeowners' association must be made responsible for liability insurance, taxes and maintenance of recreational and other facilities;

- (E) The association must have the power to levy assessments which can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities;
 - (F) The governing board of any such association shall consist of at least five members who shall be owners of property in the planned unit development.
- ii. Open Space Maintenance Guarantee.
- (A) In the event the organization or any successor organization established to own and maintain common open spaces, recreational areas, communally owned facilities and private streets, shall at any time fail to maintain the common facilities in reasonable order and condition in accordance with the approved plan, the commission may cause written notice to be served upon such organization or upon the owners of property in the development setting forth the manner in which the common facilities have failed to be maintained in reasonable condition, which notice shall include the demand that the deficiencies noted be cured within thirty days thereafter and shall state the date and place of a hearing to be held within fourteen days of the notice. At the time of hearing, the commission may modify the terms of the original notice as to deficiencies and may extend the time within which the same may be cured. If the deficiencies set forth in the original notice or modifications are not cured within the time set, the commission in order to preserve the taxable values of properties within the development and to prevent the common facilities from becoming a public nuisance, may enter upon such common facilities and maintain the same for a period of one year. Such entry and- maintenance shall not vest in the public any right to use the common facilities not dedicated to public use. Before expiration of such year, the commission shall, upon its own initiative or upon written request of the organization theretofore responsible for maintenance, call a public hearing and give notice of such hearing to the organization responsible for maintenance or the property owners of the planned unit development. At such hearing, the organization responsible for maintenance and/or the residents of the development may show cause why maintenance by the county should not be continued for a succeeding year. If the commission determines that it is not necessary for the county to continue such maintenance, the county shall cease such maintenance at the time established by the commission. Otherwise the county shall continue maintenance for the next succeeding year subject to a similar hearing and determination at the end of each year thereafter.
 - (B) The cost of maintenance by the county shall be a lien against the common facilities of the planned unit development and the private properties within the development. The commission shall have the right to make assessments against properties in the development on the same basis that the organization responsible for maintenance of

the facilities could make such assessments. Any unpaid assessment shall be a lien against the property responsible for the same, enforceable the same as a mortgage against such property. The county may further foreclose its lien on the common facility by certifying the same to the county treasurer for collection as in the case of collection of general property taxes.

- iii. Guarantee for Open Space Preservation. Open space shown on the approved final plan shall not be used for the construction of any structures not shown on the final plan.
5. Reproducible Copy Requirements. In addition to the requirements for site plan and supplemental plan submittal the following shall be submitted for copying and permanent records:
 - a. Signed reproducible, full-size mylars for all site and landscape plans, architectural elevations, subdivision plats, utility plans, and any other plans required by the commission;
 - b. One eight and one-half by eleven inch (8-½"x11") clear film reduction of all plans and renderings.

54.070 Duration of planned unit development approval.

A. Duration Of Preliminary Plan Approval.

1. Within a maximum of three (3) years following the approval of a preliminary plan for multi-use and/or multiphase PUDs and within a maximum of six months following the approval of a preliminary plan for single-use PUDs which are not phased, the applicant shall file with the planning department a final plan(s) in detailed form covering all or part of the development.
2. Upon application and for good cause, the planning director may administratively extend the period for filing a final plan for two successive six (6) month periods. The granting of administrative extensions under this section may, at the discretion of the planning director, be referred to the planning board.
3. Any additional six (6) month extensions to the planned unit development shall be approved, if at all, only by the planning board. A request for extension of preliminary approval under this section must be submitted to the planning director in writing by the applicant at least thirty days prior to the date of expiration. Failure to submit a written request within the specified time period shall cause forfeiture of the right to extension of preliminary approval.
4. If no final plan(s) is filed covering all or any portion of the preliminary plan within the above time limits, the right to proceed under the preliminary plan shall expire for any portion of the preliminary plan for which a final plan has not been timely filed.

B. Duration of Final Plan Approval.

1. The applicant must undertake and complete the development of an approved final plan within two (2) years from the time of final approval. For the purposes of this section, a development is substantially complete once all engineering improvements (water, sewer, streets, curbs, gutter, street lights, fire hydrants and

- storm drainage) are installed and completed in accordance with rules and regulations. Extensions for two successive periods of six (6) months may be administratively granted by the planning director. The granting of administrative extensions under this section may, at the discretion of the planning director, be referred to the planning board.
2. Any additional six (6) month extensions to the planned unit development shall be approved, if at all, only by the planning board. A request for extension of final approval under this section must be submitted to the planning director in writing by the applicant at least thirty (30) days prior to the date of expiration. Failure to submit a written request within the specified time period shall cause forfeiture of the right to extension of final approval. Failure to develop within the specified time limit and improvement requirements shall cause a forfeiture of the right to proceed under the final plan and require resubmission of all materials and re-approval of the same through the preliminary plan procedures.

54.080 Phasing of planned unit developments.

A. Applications for Phased Planned Unit Developments. If a planned unit development is intended to be developed over time in two or more separate phases, application for approval of a phased planned unit development shall follow procedures established for concept plan review as outlined in this section. After concept plan review is completed, phased PUDs may be proposed in accordance with one of three procedures:

1. Application for Simultaneous Approval of All Phases of the PUD.
 - a. Where all phases of a PUD are planned in detail, an application for approval of all phases of the PUD may be made in accordance with preliminary plan review and approval procedures outlined in this section. In such cases, preliminary plans and all required supplemental information shall clearly set forth phased development boundaries, schedules, and other details pertaining to the phasing of the project.
 - b. Upon approval of the preliminary plan for all phases of the PUD, each phase of the development may occur in accordance with the review and approval procedures for final plans as specified in this section.
2. Application for Approval of Initial Phase of the PUD, With Subsequent Phases Master Planned and Subject to Development Guidelines. Where the applicant wishes to gain preliminary and final approval for the initial phase(s) of a PUD, and further wishes to gain master plan and development guidelines approval for subsequent phases of the PUD, preliminary and final plan review and approval procedures for the initial phase(s) shall be followed in accordance with this section. A master plan and development guidelines for the remaining phases of the development shall be provided for review and approval as outlined below.
3. Application for Approval of a Phased PUD Based Only Master Plan and Development Guidelines. Applications for approval of a phased PUD without detailed plans for any phase shall not generally be accepted. However, under unique circumstances and for good cause shown, the planning director may determine that an application for approval of a master plan and development guidelines for a phased PUD may be submitted without a preliminary plan for any phase. When such a determination has been made, application for approval of a master plan and development guidelines may be made in accordance with phased PUD approval procedures as set forth below.

B. Phased PUD Approval Process. Master plans and development guidelines shall be reviewed and approved according to the procedures established for preliminary plans as established in this section. When a master plan and development guidelines for a phased PUD have been reviewed by the planning board and approved by the commission, each phase of the PUD may be developed in accordance with the review and approval procedures set forth in this section for final plan reviews.

C. Phased PUD Review Criteria.

1. In general, the review criteria for phased PUDs shall be the same as that for PUDs as set forth in subsections 54.050.B.2 and 54.050.C.2. of this code.

2. In those cases where master plans and development guidelines are proposed to govern the development of future phases of the PUD, the commission must determine that the proposed master plan and development guidelines are provided in sufficient detail to support a finding that the phased PUD will comply with all requirements for PUD approval if developed in accordance with the approved master plan and development guidelines.
3. Staff review and approval of preliminary and final plans for those phases of a PUD which have an approved master plan and development guidelines shall assure compliance and consistency with said master plan and development guidelines.
4. Should staff determine that proposals to develop subsequent phases of a PUD are not in compliance with the approved master plan and development guidelines, the determination may be appealed to the commission subject to the provisions of Section 58 of this code.

D. Phased Planned Unit Development Submittal Requirements.

1. Master Plan Submittal Requirements. Master plans for phased PUDs shall consist of a detailed site plan depicting:
 - a. Existing conditions for the entire phased PUD as required by subsections B and C of section 54.060; and
 - b. Proposed conditions pertaining to such elements as building location, open spaces, vehicular and pedestrian circulation, and boundaries of the individual phases of the PUD in as much detail as is required by the findings of the concept plan review as outlined in this section.
2. Development Guidelines Submittal Requirements. Development guidelines for phased PUDs shall be submitted to the planning director as part of the application submittal in one or more orderly documents. Each document shall contain a table of contents and shall be in an eight and one-half by eleven inch vertical format, bound to open flat for review. All graphic representations shall be in eight and one-half by eleven inch (8-½"x11") or eleven by seventeen inch (11"x17") format. Development guidelines for phased PUDs shall contain the information as is required by the findings of the concept plan review as outlined in this section. Such information may include, but is not limited to, the following:
 - a. A description of submittal requirements and review procedures for the approval of preliminary and final plans submitted in accordance with the master plan and development guidelines (to be developed with the assistance of staff);
 - b. A description of the coordination with any other applicable review procedures, e.g., subdivision review;
 - c. A complete list of proposed or potential land uses;
 - d. Sign guidelines: type(s), location, design, illumination, size and height;
 - e. Perimeter buffering guidelines with specific regard to adjoining land uses;
 - f. Landscaping guidelines, including a description of the landscaping theme in relation to the streetscape, the buildings on site, and any proposed signage

- open space treatment parking and circulation areas, display areas, and screening;
- g. Design guidelines for outdoor storage and/or display;
- h. Protective covenants which may include requirements, owners' association provisions, provisions for maintenance, etc.;
- i. Parking: guidelines for design, provision for shared facilities, circulation between lots, and coordination with sidewalk system, service areas;
- j. Dimensional requirements: building heights, setbacks (interior and perimeter), open space, etc.;
- k. Lighting;
- l. Architectural guidelines;
- m. Provisions for utilities, communications and refuse;
- n. Guidelines for noise, emissions, glare, hazardous materials, etc.; and
- o. Improvements schedule.

E. Open Space Provisions for Phased PUD Developments. If a project is to be built in phases, each phase shall include an appropriate share of the proposed recreational, open space, and other site and building amenities of the entire development. The appropriate share of the amenities for each phase shall be determined for each specific project at the time of preliminary approval and shall not be based solely upon a proportional or equal share for the entire site. Requirements may be made for off-site improvements on a particular phased project.

F. Final Plans for Phased PUD Developments. Final plans for a planned unit development may be submitted in phases. The final plan shall conform to the preliminary plan of a planned unit development, as approved.

G. Duration of Phased PUD Development Guidelines Approval. Within a maximum of five (5) years following the approval of development guidelines for a planned unit development, development must commence or the development guidelines must be reviewed for renewal. Any subsequent approvals of a preliminary plan must conform to the development guidelines.

54.090 Enforcement of approval requirements and conditions.

The occurrence of either of the following events may subject the applicant to the enforcement remedies contained in Section 70 of this code:

A. Failure to comply with any terms, conditions or limitations contained on the site plan, landscape plan, building elevations or other approved documents pertaining to a planned unit development which has received final approval.

B. Failure to comply with any conditions on record imposed by the commission upon its review of the master or preliminary plans or any conditions imposed by staff through the review of the final plan for the planned unit development under the provisions of this Planned Unit Development Regulation, Section 54 of this title.

54.100 Planned unit development design objectives and criteria.

A. General. For any planned unit development proposal to be approved it must first be found, by the commission, after recommendation from the planning board, to be in compliance with this section of the Planned Unit Development Regulation.

B. Land Use Classifications.

1. The design objectives and criteria with which a planned unit development proposal must comply are dependent upon the designated land use classification of the site proposed for the planned unit development.
2. Subsection E of this section contains four groups of objectives and criteria against which planned unit developments are reviewed. All planned unit developments are reviewed against the objectives and criteria designated for all development. Each individual planned unit development is then reviewed against the objectives and criteria established for the land use classification(s) of the site on which the proposal is to be located. A planned unit development must satisfy all the objectives and criteria of all applicable groups. In evaluating planned unit developments the county may determine that certain criteria are not applicable or are irrelevant to a particular development proposal and therefore do not apply to that proposal.

C. Evaluation Process. The acceptability and performance of a planned unit development proposal shall be evaluated as follows: Each of the objectives and criteria for the applicable land use classification and for all development contained in subsection E of this section will be answered Yes, No or Not Applicable (N/A). A No response to any of the applicable objectives and criteria will automatically preclude the development proposal from further consideration and eventual approval, unless a variance is granted by the commission. An objective or criterion is considered to be applicable if it can reasonably be applied to the development proposal. The applicant shall clearly demonstrate how the planned unit development specifically addresses each applicable objective and criterion.

D. Responsibility for Impact Mitigation. To protect the character of new and existing neighborhoods against intrusive and disruptive development, any negative or adverse impacts shall be effectively mitigated in the planned unit development plan, as per the following guidelines:

1. When two adjacent parcels are developed simultaneously, the responsibility for mitigating conflicts is upon the more intense use.
2. When a use is the first to develop on two adjacent vacant parcels, the first use shall provide the necessary buffer to any reasonable future use as determined by the county.
3. The second use to develop shall, at the time it develops, take all additional steps necessary to mitigate conflicts.
4. However, when a planned unit development includes a use or uses which are not otherwise permitted in the underlying zoning district, the responsibility for impact mitigation shall lie exclusively with the planned unit development proposal.

E. Design Objectives and Criteria Evaluation Forms.

1. The county will determine compatibility of a project based upon the evidence presented during evaluation of the community design objectives and criteria of this subsection.
2. The following forms will be used in evaluating all planned unit development applications:

a. ALL DEVELOPMENT

Application:

All land uses within a proposed planned unit development shall be reviewed against, and comply with, the applicable objectives and criteria of the mandatory "All Development" group.

Required Criteria: Yes No NA

Neighborhood Compatibility

1. Is the development compatible with, and sensitive to, the immediate environment of the site and the adjacent neighborhoods relative to architectural design, building bulk and height, neighborhood identity, landscaping, historical character, orientation of buildings on the site and visual integration?
2. Is the project designed so that additional traffic generation beyond what may be approved for permitted uses does not have a significant adverse impact on adjacent and surrounding development?
3. Have the guidelines outlined in Section 51, been followed concerning identification and discussion of impacts related to the proposed development?
4. Is the development in accordance with the adopted elements of the *Gallatin County Plan* and its accompanying goals, objectives and policies?

Public Facilities, Services and Transportation

5. Does the development comply with all design standards, requirements and specifications for the following services:

Water supply	Trails/walks/bike ways
Sanitary supply	Irrigation companies
Fire protection	Electricity
Flood hazard areas	Natural gas
Telephone	Storm drainage
Cable television	Streets
6. Will the sewage generated by the development not exceed the sanitary sewer system's line and treatment capacity'?
7. Will an adequate water supply exist to serve the development?
8. Will an adequate electrical power supply exist to serve the development'?
9. Will the transportation plan be capable of handling the development's traffic generation?
10. Does the development provide adequate access for emergency service'?

11. Are all vehicular use areas and exterior building areas provided with adequate security lighting?

Natural Resources

12. Have precautions been taken to minimize hazards to life or property due to irrigation canals, stream channels or other water bodies?
13. Have known areas of natural or geological hazard (e.g., unstable or potentially unstable slopes, faulting, landslides, rockfalls, flood, and wildfire, etc.) or soil conditions unfavorable to urban development had special engineering precautions taken to overcome natural constraints or have these areas been set aside from development?
14. Does the project preserve or replace existing natural vegetation?
15. Have special precautions been taken to preserve existing wildlife habitats, natural wildlife food services, or existing places, or are these areas being preserved?
16. If the proposed project is located within a locally designated historical district or includes a locally designated landmark structure, is the project in conformance with the Historic Preservation Regulation?
17. If the development is proposed on existing agricultural land or open space, does it meet master plan objectives for clustering development?

Environmental Standards

18. Will the project conform to applicable local, state and federal air quality standards, including, but not limited to: odor; dust, fumes or gases which are noxious, toxic or corrosive; suspended, solid or liquid particles; or any air contaminant which may obscure an observer's vision or impair breathing?
19. Will the project conform to applicable local, state and federal water quality standards, including, but not limited to: erosion and sedimentation; runoff control; discharge of solid wastes, and discharge of hazardous substances?
20. Can the proposed land uses and activities be conducted so that noise generated shall not exceed the minimum performance levels as specified in the Noise Control Regulation in Section 50 of the zoning code? Detailed plans for the elimination of objectionable noises are required before the issuance of a building permit.
21. If the proposed activity produces glare or heat, whether direct or reflected, is the operation conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line? Detailed plans for the elimination of glare or heat are required before issuance of a building permit.
22. Will the project cause an inherent or recurring generated vibration perceptible without instruments at any point along the property line? Temporary construction may be excluded from this criterion.
23. Is the exterior lighting, except for warning, emergency or traffic signals, installed in such a manner that the light source is obscured to prevent excessive glare on public streets and walkways or into any residential area? The installation or erection of any lighting which may be confused with warning signals, emergency signals or traffic signals shall not be permitted.

24. Will all sewage and industrial wastes be treated and disposed of in such a manner as to comply with applicable local, state and federal standards? Detailed plans for waste disposal are required before issuance of a building permit.

Site Design

25. Are the elements of the site plan (e.g., buildings, circulation, open space and landscaping, etc.) arranged on the site so that activities are integrated with the organizational scheme of the community and neighborhood?
26. Are the elements of the site plan (e.g., buildings, circulation, open space and landscaping, etc.) designed and arranged to produce an efficient, functionally organized, and cohesive planned unit development?
27. Is the design and arrangement of elements of the site plan (e.g., buildings circulation, open space and landscaping, etc.) in harmony with the existing natural topography; natural water bodies and water courses; existing vegetation; and
28. Does the design and arrangement of elements of the site plan (e.g. building construction, orientation, and placement: transportation networks, selection and placement of landscape materials; and/or use of renewable energy sources. etc.) contribute to the overall reduction of energy use by the project?
29. Are the elements of the site plan (e.g. buildings, circulation, open space and landscaping, etc.) designed and arranged to maximize the privacy by the residents of the project?
30. Does the design and arrangement of buildings and open space areas contribute to the overall aesthetic quality of the site configuration, and is at least thirty percent (30%) of the project, exclusive of yard setbacks and parking lot interior landscape developed as open space?
31. Does the street and parking system provide for the smooth, safe and convenient movement of vehicles both on and off the site?
32. Does the development satisfy the parking capacity requirements and provide adequate space suited to the loading and unloading of persons, materials and goods?
33. Is the active recreational area suitably located and accessible to the residential units it is intended to serve and is adequate screening provided to ensure privacy and quiet for neighboring residential uses?
34. Is the pedestrian circulation system designed to assure that pedestrians can move safely and easily both within the site and between properties and activities within the neighborhood area?
35. Is the development being properly integrated into development and circulation patterns of adjacent and nearby neighborhoods so that this development will not become an isolated "pad" to adjoining development?
36. Does the pedestrian circulation system incorporate design features to enhance convenience, safety and amenity across parking lots and streets, including, but not limited to, paving patterns, grade differences, landscaping and lighting?
37. Does the pedestrian and bicycle trail system adequately connect to the systems in adjacent developments?
38. Does the landscape plan enhance the appearance of vehicular use, open space and pedestrian areas which contribute to their usage and visual appearance?
39. Does the landscaping plan enhance the building(s)?

40. Does the landscape plan screen utility boxes, parking areas, loading areas, trash containers, outside storage areas, blank walls or fences and other areas of low visual interest from roadways, pedestrian areas and public view?
41. If the development is adjacent to an existing or approved public park or public open space area, have provisions been made in the site plan to avoid interfering with public access to that area?
42. Will all signs in the project be in compliance with the provisions of the sign code?

b. RESIDENTIAL

Application:

Planned unit developments in residential areas (A-S, R-S, R-1, R-2, R-2-A, R-3, R-3-A, R-4, and R-O zoning districts) may include a variety of housing types designed to enhance the natural environmental, conserve energy, recognize and, to the maximum extent possible, preserve and promote the unique character of neighbor hoods, with provisions for a mix of limited commercial development. For purposes of this section, “limited commercial development” means professional offices and other permitted use listed in the B-1 neighborhood service district (Section 28), within the parameters set forth below. All uses within the PUD must be sited and designed such that the activities present will not detrimentally affect the adjacent residential neighborhood.

Required Criteria:

Each of the following applicable criteria must be answered “yes” and implemented within the development plan.

1. On a gross acreage basis, is the average residential density in the project (calculated for residential portion of the site only), consistent with the development densities set forth in the land use guidelines of the *Gallatin County Plan*?
2. Does the project provide for private outdoor areas (e.g., private yards, patios and balconies, etc.) for use by the residents and employees of the project which are sufficient in size and have adequate light, sun, ventilation, privacy and convenient access to the household or commercial units they are intended to serve?
3. Does the project provide for outdoor areas for use by persons living and working in the development for active or passive recreational activities?
4. If the project is proposing a residential density bonus as described below, does it include a variety of housing types and styles designed to address community wide issues of affordability and diversity of housing stock?
5. If the PUD is located adjacent to the city, is the project within two thousand feet of an existing or approved neighborhood service center, public school, day care center, major employment center, or public neighborhood or community park?
6. Is the overall project designed to enhance the natural environment, conserve energy and to provide efficient public services and facilities?
7. Is the project within six hundred fifty feet of an existing collector or arterial street?
8. If the project is proposing a residential density bonus (thirty percent (30%) maximum) above that which is set forth below, does the proposed project exceed the

established regulatory design standards (such as for setbacks, off-street parking, open space, etc.) and ensure compatibility with adjacent neighborhood development?

ALLOWABLE RESIDENTIAL DENSITIES, WITHOUT BONUSES

Zone	Density
A-S	One dwelling per twenty acres, or maximum allowed in accordance with the “sliding scale” established in Section 10
R-S	One dwelling unit per acre
R-1	Three units per acre
R-2	Six units per acre
R-2-A	Five units per acre
R-3	Twelve units per acre
R-3-A	Ten units per acre
R-4/R-O	Fifteen units per acre

9. If limited commercial development as defined above is proposed within the project, is less than twenty percent of the gross area of the PUD designated to be used for offices or neighborhood service activities nor ordinarily allowed in the particular residential zoning district?
10. If neighborhood service activities are proposed within the project, is a market analysis provided demonstrating that less than fifty percent of the market required to support proposed neighborhood service activities is located outside the immediate area of the PUD and are the neighborhood services of a nature that does not require drive-in facilities or justification for through traffic?
11. If the project contains limited commercial development as defined above, is the project located at the intersection of arterial streets, or arterial and collector streets?
12. If the project contains limited commercial development as defined above, has the project been sited and designed such that the activities present will not detrimentally affect the adjacent residential neighborhood and have the commercial activities been developed at a scale compatible with residential development?
13. Does the overall PUD recognize and, to the maximum extent possible, preserve and promote the unique character of neighborhoods in the surrounding area?

c. COMMERCIAL PUD

Application:

Planned unit developments in commercial areas (B-1, B-2 and B-P zoning districts) may include either commercial or multi-family development, however, adequate but controlled access to arterial streets is essential. Activities would include a broad range of retail and service establishments designed to serve consumer demands of the Gallatin County / Bozeman Area zoning district.

Required Criteria:

Each of the following applicable criteria must be answered "yes" and implemented within the development plan.

1. Are all repair, painting and body work activities, including storage of refuse and vehicular parts, planned to take place within an enclosed structure or completely screened from off-site view?
2. Have all the necessary precautions been taken to prevent all lubrication, hazardous materials and fuel oil substance, which are stored on the site, from leaking or draining into the groundwater system, streams, creeks, or other water bodies?
3. If the project contains any use intended to provide adult amusement or entertainment, does it meet the following requirements:
 - Is the use established, operated or maintained no less than five hundred feet from a residential neighborhood, church and/or a school meeting all the requirements of the compulsory education laws of the state of Montana?
 - Is the use established, operated or maintained on less than five hundred feet (500') from another similar use?
4. Is the project contiguous to an arterial street, and has adequate but controlled access been provided?
5. Is the project on at least two acres of land?
6. If the project contains two or more significant uses (for instance, retail, office, residential, hotel/motel and recreation), do the uses relate to each other in terms of location within the PUD, pedestrian and vehicular circulation, architectural design, utilization of common open space and facilities, etc.?
7. If the project is a single-use PUD development, is it compatible with existing land use patterns? Is it compatible with and does it reflect the unique character of the surrounding area?
8. Is there direct vehicular and pedestrian access between on-site parking areas and adjacent existing or future off-site parking areas which contain more than ten spaces?
9. Does the project encourage infill, with at least one-quarter of its property boundary contiguous to existing development, or does the project otherwise demonstrate compliance with the land use guidelines of the *Gallatin County Plan*?
10. If the project includes residential development, or is adjacent to existing or future residential development, have exceptional or unique design methods been incorporated to mitigate the impacts of conflicting land uses (e.g., landscape and architectural design, extensive open space, recreation center(s), maximum traffic efficiency, screening of parking areas)?
11. Does the project provide for outdoor recreational areas (such as additional landscaped areas, open spaces, trails, or picnic areas) for the use and enjoyment of those living in, working in, or visiting the development?

d. INDUSTRIAL PUD

Application:

Planned unit industrial developments in industrial areas (M-1 and M-2 zoning districts) may include employment, wholesaling, manufacturing and utility centers for the community; the particular types of uses will be determined based upon its potential impact upon adjacent land uses and the intensity of development.

Each of the following applicable criteria must be answered "Yes" and implemented within the development plan.

1. Have all the necessary precautions been taken to prevent all lubricants, hazardous materials and fuel oil substances, which are stored on the site, from leaking or draining into the groundwater system, streams, creeks, or other water bodies?
2. Are all repair, painting and body work activities, including the storage of refuse and vehicular parts planned to take place within an enclosed structure or completely screened from off-site view?
3. Is the project located adjacent to an arterial or collector street that provides adequate access to the site?
4. Is the project developed such that the least intense uses shall be located along the arterial streets, where visibility to the public is likely; more intense uses such as heavy industrial uses and warehousing activities will be located away from the arterial streets, buffered by the other uses?
5. Does the project utilize a landscaping theme that will tie adjacent uses or projects together?
6. Is the project being developed on land substantially surrounded by developed property with existing services and utilities already available?
7. Does the project provide for outdoor recreational areas (e.g., additional landscaped areas, open space, trails, picnic areas) for the use and enjoyment of those working in or visiting the development?

54.110 North 19th Avenue/West Oak Street Entryway Corridors.

A. Intent and Purpose. It is the intent and purpose of this section to establish the planned unit development (PUD) review procedures as a method to guide future growth and development within the area of the North 19th Avenue/West Oak Street Corridor Master Plan. It is further intended to ensure that future growth and development will occur in accord with the goals and objectives of the North 19th Avenue/West Oak Street Corridor Master Plan as a sub-area plan to the 1990 Bozeman area master plan update neighborhood plan revision to the *Gallatin County Plan*.

B. Application. Planned unit development provisions shall apply to all non-residential development proposals located in the North 19th Avenue and West Oak Street entryway corridor areas as designated in the plan and on the official zoning map as follows:

1. North 19th Avenue. (Class I and Class II Corridor) All non-residential development within the North 19th Avenue entryway corridor between Durston Road and the North 19th Avenue-Interstate 90 Interchange, measured six hundred sixty feet (660') from the centerline of North 19th Avenue, exclusive of the following:
 - a. Between Durston Road and the south boundary of Covered Wagon Mobile Home Court, a Class II entryway corridor overlay classification shall be applied to the east side of North 19th Avenue, measured three hundred thirty feet (330') from the centerline of North 19th Avenue.
2. West Oak Street. (Class I and Class II Corridor) All non-residential development within the West Oak Street entryway corridor between North 7th Avenue and Rose Park shall be applied within such corridor as follows:
 - a. Between North 7th Avenue and North 19th Avenue, measured six hundred and sixty feet (660') from the centerline of West Oak Street;
 - b. Between North 19th Avenue and the east boundary of Rose Park, measured three hundred thirty feet (330') from the centerline of West Oak Street.

C. PUD Review Procedures. Approval of a development proposal located in the North 19th Avenue or West Oak Street entryway corridor shall be subject to the planned unit development review procedures and shall consist of the three procedural steps as required by section 54.050.A — Concept Plan Review, Preliminary Plan Review and Final Plan Review.

1. Coordinated Review. In order to expedite and streamline the review procedures for development proposals in the North 19th Avenue and West Oak Street entryway corridor overlay districts the planned unit development review procedures may, at the developer's discretion, be submitted to the planning office simultaneously with the appropriate application procedures for subdivision review. However, the preliminary subdivision plat review procedures may not be processed without the developer first submitting, or simultaneously submitting, an application for planned unit development preliminary plan review.

D. PUD Plan Submittal Requirements. Applications for PUD review for each stage of the review process shall be submitted to the planning office and shall include the information and data described in 54.060 of this Section.

1. **Development Master Plan.** In addition to the information and data required for preliminary plan review, the applicant shall submit along with the application for preliminary plan review a development master plan of said property to consist of the following:

- a. Existing and proposed conditions for the entire PUD as required by subsection B of section 54.060;
- b. Proposed conditions pertaining to such elements as building location, open spaces, vehicular circulation, pedestrian and bicycle circulation, boundary of development phases, stream corridors, environmentally sensitive lands, and proposed land uses in as much detail as is required by the findings of the concept plan review as outlined in this section;
- c. Proposed conditions as it relates to adjacent properties or of common ownership not located in the prescribed entryway corridor of this section; and
- d. A legal instrument containing the creation of a property owner's association setting forth a plan containing, but not limited to; declaration of establishment, governing body, permanent care and maintenance of open spaces, recreational areas, pathways and trailways, commonly owned facilities, landscape maintenance and upkeep, private streets, power to levy assessments and developmental guidelines.

E. Developmental Guidelines Submittal Requirements. Applications for PUD review in accord with this section shall submit developmental guidelines to the planning office as part of the preliminary plan application as required by section 54.080.D.2 of this Section, and shall in addition include the following:

1. Architectural Guidelines: building orientation, off-street parking lot orientation, sign guidelines, lighting, dimensional guidelines, mechanical equipment screening;
2. Landscape Guidelines: entryway corridor landscape guidelines, streetscape, off-street parking lot screening, outdoor storage/display areas, perimeter buffering from other land uses, arterial noise buffering, development entrance, protective covenants;
3. Pedestrian Circulation: between off-street parking lots, between adjacent lots, coordinated sidewalk system, bicycle circulation, trails/pathways.

F. Open Space Provisions. Sufficient open space along the entryway corridors is necessary to provide the urban streetscape and park-like setting envisioned by the community that is essential to the basic quality of life in the area, and to create attractive entryways:

1. **General Standard.** Development in the North 19th Avenue and West Oak Street entryway corridors shall generally provide at least thirty percent (30%) of the project as developed open space, exclusive of required off-street parking lot interior landscape. Public streets located in dedicated public rights-of-way shall be excluded from the gross area of land in calculating open space requirements. However, private streets, driveways, off-street parking lots and other private areas shall apply in determining the total gross area. Open space in the yard setbacks for each zone may contribute to the thirty percent (30%) open space provision. Property located outside, but adjacent to the entryway corridor overlay, which

provide linked common open space areas, and contributes to the intent and purpose of this section may be applied towards the open space provisions based on the merits of the proposal and its ability to accomplish the goals and objectives of the plan.

2. **Reduction in Open Space.** Reduction in the thirty percent (30%) open space provision to not less than twenty-five percent (25%) of the development may be granted by the commission after considering the recommendation forwarded by the planning board. The planning board shall solicit comments and recommendations from the staff and other appropriate sources of professional expertise, which will also be forwarded to the commission. The criteria for granting a reduction in open space shall be based on the proposal's ability to achieve the goals and objectives of the plan based on superior design and planning techniques exceeding the regulatory standards set forth in this section. The criteria for granting reduction in the open space provision may include, but are not limited to:
 - a. Exceptional architectural and landscape developmental guidelines;
 - b. Designation (i.e. public dedication or easement) for use by the general public of pedestrian pathways and/or trailways within the development which are located along entryway corridors, stream corridors or within the interior of the development, exclusive of sidewalks located in the public right-of-way;
 - c. Public plazas, courtyards, promenades or other usable public areas;
 - d. Front yard setbacks along entryway arterial streets that exceed the minimum fifty foot (50') setback;
 - e. Additional landscaping installed within the entryway corridors beyond what is required by this section;
 - f. Larger landscaping installed within the fifty foot (50') wide setback along entryway corridors;
 - g. Landscaped areas exceeding minimum yard setbacks situated at main entrances into the development;
 - h. Installation and maintenance of streetscape furniture along greenway corridors;
 - i. Additional setback and buffering between building sites and areas designated as environmentally sensitive lands;
 - j. Changes in texture and use of materials at intersections of pedestrian and vehicular circulation;
 - k. Exchange of land within the development for additional land transferred to Rose Park; and
 - l. Preservation of viewsheds (i.e. one-story buildings along entryway corridor or limited building height).
3. **Common Open Space.** At least fifty percent (50%) of the required open space, but no less than fifteen percent (15%) of the entire development, shall be in common ownership of the property owner's association or in the form of common open space easements granted to the property owner's association. Landscaping shall be required for all areas of the development which are to be in common ownership or designated as "common open space easements" located on individual lots or parcels of land, and in particular shall incorporate the required landscape for implementation of the greenway corridors.

G. Greenway Corridor Landscape Standards. Development of greenways along the entryway corridors have been established in order to demonstrate the importance of urban open space and to visually enhance aesthetically pleasing, high-quality development along the arterial corridors of North 19th Avenue and West Oak Street.

1. General Standards. The following landscape guidelines have been designed to develop a formal streetscape in concert with a park-like setting along the greenway corridors as an integral element in developing attractive entryways.
 - a. Formal Streetscape. Street frontage landscape located in the street right-of-way boulevard will be characterized by a formal arrangement of large canopy boulevard trees as follows:
 - i. One large canopy boulevard tree, a minimum of eight feet (8') in height or 1½" caliper and planted at regular intervals of fifty feet (50') on center.
 - (A) Acceptable large canopy boulevard trees include the following species: Ash, Patmore Green (*Fraxinus pennsylvanica*); Honeylocust, Seedless (*Gleditsia triacanthos*); Ash, Black (*Fraxinus nigra*); and Maple, Norway (*Acer Platanoides*).
 - b. Greenway Park. Greenway corridors located in the 50-foot setback will be characterized by informal vegetative planting of trees, shrubs, berms and groundcover for every one hundred (100) feet of frontage along the entryway corridors as listed below. Acceptable tree species for greenway corridors shall consist of the landscape types listed in the Tree Selection Guide prepared by the Bozeman Tree Advisory Board, and made available in the planning office.
 - i. A total of four (4) evergreen and deciduous trees at random or in cluster arrangements, with no more than fifty (50%) percent being deciduous, a minimum of 8-10 feet in height, or 1½" caliper;
 - ii. A total of two (2) small ornamental trees at random locations, a minimum of 8 feet in height, or 1 to 1½" caliper;
 - iii. A total of six (6) deciduous and/or coniferous large shrubs, of which three (3) shall be flowering shrubs, at random locations and a minimum of 8½ feet in height at maturity, 2-3 feet installation size;
 - iv. As an alternative to item 3 above, earth berms, an average of 3½ feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years; and
 - v. All other areas not landscaped with trees, shrubs or ground cover shall be planted with a drought resistant "native grass" mix consisting of: 17½% sheep Fescue; 17½% Revenue Slender Wheatgrass; 35% Secar Bluebunch Wheatgrass and 30% Critana Thickspike Wheatgrass. Alternatives to this mix may be considered where it can be demonstrated that the same objectives are achieved with an alternative drought resistant grass seed mix.
 - vi. Areas designated for detention and/or retention ponds for stormwater runoff from development on building sites shall not be permitted in the 50-foot greenway corridor(s), unless all of the following standards have been satisfied:
 - (A) Not more than one-third (1/3) of the greenway corridor setback along the frontage of each individual lot is used for the purposes of retention/detention ponds;

- (B) Location of retention/detention ponds do not conflict with, or are justification to alter, design guidelines and location of greenway corridor landscape, pathways, streetscape furniture or lighting fixtures;
 - (C) Retention/detention ponds demonstrate superior design and treatment of storm water runoff, as well as excellence in integration with greenway corridor landscape, and do not exceed a maximum slope of 1:3; and
 - (D) Groundcover for retention/ detention ponds shall consist of "native grass" seed mix as specified above in item 5, similar turf grass, or a groundcover certified by a licensed nursery person. Not more than thirty percent (30%) of the area shall consist of non-organic groundcover if used as a decorative landscape feature.
 - c. Clustering landscape. Major entryway locations into development along North 19th Avenue and West Oak Street shall contain the following clustered landscaping treatment:
 - i. For every 100 feet of corridor frontage (or portion thereof), a minimum of ten (10) large and small trees, two (2) small ornamental trees, six (6) large shrubs, six (6) large flowering shrubs, twenty (20) small shrubs and twenty (20) small flowering shrubs.
2. Landscape Maintenance and Irrigation.
- a. Installation. Installation of on-site landscape improvements, to include greenway corridor(s), shall be the responsibility of the land owner of each individual lot at the time of development of said property. Development of areas designated as common open space for the development shall be the responsibility of the P.U.D. developer at the time of subdivision and planned unit development review and approval;
 - b. Maintenance. Maintenance of boulevard streetscape, greenway corridors and common open space areas shall be the responsibility of the property owner's association and shall comply with the provisions set forth in Section 54.060.C.4.d. of this zone code, whereby all required landscape must be maintained in a healthy growing condition at all times, and that any plant that dies must be replaced with another living plant that complies with the approved landscape plan. Maintenance shall consist of mowing, removal of litter and dead plant materials, necessary pruning and irrigation. Where pedestrian or bicycle pathways are located within the greenway corridor, these trails shall be maintained to provide for their safe use, including pruning of plants to remove obstructions, and removal of dead plant materials, litter, or other hazards;
 - c. Landscape Irrigation. Landscape irrigation shall be supplied by the owner of each building site by a shallow well pump, municipal water system or other acceptable irrigation system. Irrigation shall be piped to each individual planting area by an automatic sprinkler system or other acceptable irrigation system designed to irrigate all landscape features and areas, and shall include a "bubble" irrigation system for all trees and large shrubs. Alternatives to an automatic sprinkler system shall be designed and certified by a licensed landscape irrigation professional.

H. Pedestrian and Bicycle Trailways. Pedestrian and bicycle trails designated in the plan shall be implemented during planned unit development and subdivision review of development proposals located in the sub-area plan of this section. Prior to receiving final subdivision and planned unit development approval, the developer must either install the full trail improvements or provide payment into a North 19th Avenue/West Oak Street Corridor Trails Trust Fund. Should the community choose to construct trailways for use by the general public prior to development of said property, the land owner may execute the necessary pedestrian and bicycle trailway easement for installation and maintenance of said trail(s). Pedestrian and bicycle trailways shall be designed and installed in conformance with the following:

1. Greenway Corridor. A curvilinear asphaltic surface, a minimum width of eight (8) feet wide, installed on a compacted, six (6) inch deep, ¾-inch gravel road mix, on sterilized ground with weed preventive fabric;
2. Stream Corridors. A gravel surface, a minimum width of six (6) feet wide, consisting of compacted, six (6) inch deep, ¾-inch gravel road mix, over a treated area with a weed preventive fabric, or an alternative trail standard subject to review and approval.

I. Orientation of Structures. Commercial lots located in the North 19th Avenue and West Oak Street entryway corridors shall be designed in a manner to eliminate negative visual impacts resulting from the orientation of accessory activities and functions common to the rear of structures (loading and unloading areas, ground mounted mechanical equipment, storage refuse areas or outside storage areas). The rear of structures, or the activities and functions common to the rear of the structure, shall not be orientated towards the arterial streets, pedestrian or bicycle trails or common open space without proper architectural design, screening or landscape buffering.

J. Orientation of Off-Street Parking Areas. Commercial lots located in the North 19th Avenue and West Oak Street entryway corridors shall be designed in a manner that diminishes the visual impact of expansive off-street parking areas separating buildings from the street, by including parking areas that are beside and behind, not just in front of buildings. This would encourage the placement of buildings closer to streets and expanses of parking to be broken up.

K. Planned Unit Development Design Objectives and Criteria. Approval of a development proposal must first be found, by the commission, after recommendation from the planning board, to be in compliance with criteria set forth in section 54.100, exclusive of criteria number thirty (30) - open space areas in the all development criteria matrix.